

REMARKS/ARGUMENTS

Upon entry of the present amendment, claims 1, 3-14, 16-28, 55-57, 59 and 61-62 will be pending in this application. The Examiner has indicated that claims 18-28 are allowable. Claims 1 and 55 have been amended. Claims 2 and 58 have been canceled without prejudice. Claims 61 and 62 are newly added. No new matter has been entered with the amendments to the claims and new claims. Applicants believe that the amendments herein place the application in condition for allowance. Reconsideration is respectfully requested.

FORMALITIES

Claims 1 and 55 have been amended to include for example, the features of claims 2 and 58, respectively. New claim 61 finds support in claim 58. New claim 62 finds support for example, on page 24, lines 9-11, wherein it states " the present invention provides methods for detecting and identifying individual fluorogenic NP molecules such as dNTP molecules, as a polymerase incorporates them into a single nucleic acid molecule." This would include for example, when the NP probes are resident in the active site of the polymerase. As such no new matter has be entered with the foregoing amendments and new claims. As such, Applicants respectfully request that they be entered.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 5-6, 10-11, 13, 55, 57 and 59 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hyman (*Anal. Bioch.*, vol. 174, pp. 423-436, 1988). Applicants have amended claim 1 to include for example, the allowable features of claim 2. In addition, claim 55 has been amended to include for example, the allowable features of claim 58.

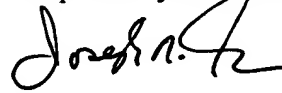
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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